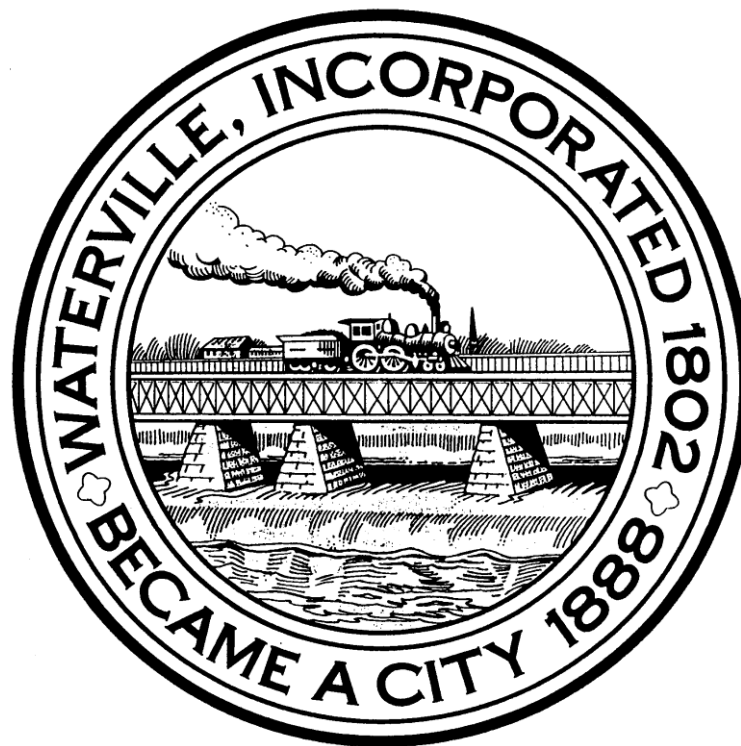


(Effective August 24, 2012)

CITY OF WATERVILLE



PERSONNEL ORDINANCE

JULY 2012

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Section 1: Introduction, General Provisions

1.1 Welcome

Welcome to public service with the City of Waterville. You are joining a workplace with dedicated employees who provide consistently high levels of service to Waterville residents and taxpayers. It is critical that we all remember that with our mission of service to the public, we must continually strive for the highest levels of performance and conduct.

You have been selected to work with the City as a result of your knowledge, experience and training in your chosen field. Congratulations. We hope your work experience with the City of Waterville is a mutually beneficial one.

1.2 Goal of Personnel Management

The goal of personnel management in the City of Waterville is to:

- promote effectiveness, economy, and productivity in delivering services to the citizens of Waterville;
- encourage a commitment of professional excellence in serving the public and continue the professional development and upgrading of employee skills;
- increase efforts to building a positive work environment for employees
- afford fair and lawful treatment to all individuals desiring to enter City service and to provide opportunity for advancement in City service on the basis of skill, effort and performance;
- promote goodwill and high morale between the City of Waterville and its employees in an environment that encourages open communications;
- ensure that employees receive non-discriminatory treatment in all personnel processes; and
- expect that employees use their best efforts to fulfill their obligations to the City and to its citizens.

1.3 Purpose, Applicability and Distribution

The purpose of this Personnel Ordinance is to provide standard administrative policies and procedures to be followed uniformly by all City departments. As a rule, these policies and procedures govern the relationship between the City and its non-union employees. However, standard forms, definition of terms, procedures, as well as legal mandates, are intended to cover all employees unless inconsistent with a collective bargaining agreement or individually negotiated contract.

The policies and procedures outlined in this ordinance do not apply to the following:

- elected and appointed officials;
- non-salaried boards and commissions;
- administrators, teachers and other employees of the public school system.

1.4 Administration of Personnel Policies

The day-to-day administration of this ordinance is a function of the Human Resources office. Any issue regarding the interpretation or application of these rules should be addressed to the Department Head and, if necessary, referred to the Human Resources Officer. Where appropriate or necessary, the implementation of these policies shall be

supplemented by administrative policies promulgated by the City Manager, which explain, in detail, the mechanics of implementation and application thereof.

This ordinance will be kept in loose leaf form by all departments and offices and will be made accessible electronically on the City's computer system. The Office of Human Resources will forward all updates to the following:

1. Mayor
2. City Council
3. City Manager
4. City Solicitor
5. City Clerk
6. All Department Heads who will review with, and have available for, their employees.

1.5 Modification of Personnel Policies

Changes, amendments, or modifications of this Ordinance requires Council approval. If changes affect employees' compensation and/or benefits, the Human Resource Officer will, in writing, notify affected employees of the changes prior to submission to the City Council for final approval.

1.6 Non-Discrimination/Affirmative Action

In the recruitment, appointment, training, promotion, retention, compensation, or any other personnel action, there shall be no discrimination against any person due to race, color, religion, sex, sexual orientation, marital status, national origin, ancestry, age, status as a veteran, physical/mental disability, political affiliation or belief, whistleblower activity, or genetic information. Applicants for employment with the City of Waterville will be treated without regard to these characteristics in accordance with the City's Affirmative Action/EEO Policy. This policy will incorporate any and all amendments as may be approved by the legislature.

1.7 Bargaining Unit Employees

Bargaining unit employees are referred to their respective Collective Bargaining Agreement.

1.8 Disclaimer

These personnel policies outline the rights, responsibilities and benefits of City employees. These policies do not create legally enforceable rights and the following disclaimers are included to provide notice to that effect:

- this ordinance is an informational tool, not a contract, and does not afford employees contractual rights;
- where this ordinance may contain descriptions or references to insurance or other benefit plans, the specific provisions of the benefit plan will take precedence and govern should a conflict arise concerning benefit level.

Section 2: Employment Definitions

2.1 Employment Anniversary Date

The date on which the employee is most recently hired by the City. This date shall remain constant unless the employee separates from City service and is subsequently rehired. The employment anniversary date may be used to compute any benefits for which the employee is eligible.

2.2 Part-time Employment

Part-time employment is appointment to a ⁶regularly budgeted position to work less than forty

(40) hours per week on a continuing and indefinite basis. Regular, part-time employees, and employees who work less than a standard 40-hour work week, are not entitled to benefits, other than those mandated by law, such as Workers' Compensation and Unemployment Compensation.

2.3 Full-time Employment

Full-time employment is appointment to a regularly budgeted position to work a standard work week of forty (40) hours or more on a continuing and indefinite basis.

2.4 Seasonal Employment

Seasonal employment is appointment to a position that is to be filled less than 26 weeks per year and usually coincides with one or more of the four seasons. Seasonal employees are paid for hours actually worked and receive no other benefits, except those mandated by law, such as Workers' Compensation and Unemployment Compensation.

2.5 Temporary Employment

Temporary employment is appointment to a position that is expected to last less than one fiscal year. Temporary employees are paid for hours worked and receive no other benefits except those mandated by law, such as Workers' Compensation and Unemployment Compensation.

2.6 Contract Employment

Contract employment is employment under a personal services contract between the City and the individual. Contract employees receive salaries and benefits as negotiated and stipulated in each contract and are covered by this Ordinance with regard to those areas not specifically addressed in the contract. Contract employment is generally reserved for the City Manager, Department Heads, and other specialized, professional employees.

2.7 Probationary Employment

All employees appointed to an established position in City Government shall serve a probationary period for the first six (6) months. Employment during such period may be terminated without just cause and for any reason upon notice from the City Manager upon the recommendation of the Department Head. The probationary period may be extended upon mutual agreement of the Department Head, Employee and Human Resources Officer.

2.8 On-Call Employment

On-call employment occurs when employees work on an intermittent and as-needed basis. Employees who are on-call do not have a regular schedule but work as available and as needed by the City. Such employees are paid for hours actually worked and receive no other benefits except those mandated by law, such as Workers' Compensation and Unemployment Compensation.

Section 3: Position Classification and Compensation Plan

3.1 Classification and Compensation

The City compensates employees based on the City of Waterville Classification and Compensation Study as completed in 2005. The plan is designed to place existing job titles in correct rankings consistent with job responsibilities and external comparables. The salary ranges are based on data collected by surveying local and regional employers in the public and private sector to match jobs and actual salary data. The City Manager shall be charged with the responsibility for maintaining and providing for assignment of positions within the Classification and Compensation Study.

3.2 Annual Adjustments

Annual adjustments will be included in the City budget and submitted to the Council for approval. Factors to be considered when developing recommended adjustments to the salary schedule will include:

- The United States Department of Labor's Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W).
- The Cost of Living Adjustment or pay increase awarded to unionized City of Waterville employees.

Determination of an annual pay adjustment is at the discretion of the City Manager and City Council to be determined during the budget process, with an effective date of July 1 of each year.

3.3 Performance Evaluations

Prior to the completion of an employee's probationary period and at a minimum of every twelve (12) months subsequent, the employee's job performance shall be evaluated in writing by the employee's immediate supervisor. All employee evaluations shall be reviewed and approved by the Department Head. As a general rule, formal evaluations will be conducted as follows:

1. at the close of each fiscal year or employee's anniversary date of hire;
2. when the employee changes assignments;
3. whenever the employee requests a review;
4. whenever necessary to document unacceptable or exceptional performance;
5. prior to receiving a merit pay increase.

Informal evaluations shall be on-going.

The purpose of the performance evaluation program is to:

- evaluate individual job performance;
- motivate each individual to work at highest capacity;
- establish job standards and objectives;
- review progress towards achieving established goals and objectives;
- plan future training and professional development activities;
- provide a basis for rewarding individuals according to their achievement;
- identify areas of job performance that are marginal or unsatisfactory in which training, education or other assistance is necessary to improve performance;
- solicit recommendations for improving efficiency and productivity.

Upon completion of the evaluation by the supervisor, including review and approval of the Department Head, the employee shall be provided an opportunity to meet, discuss, review, and otherwise have input into the final evaluation document. The original copy of the performance evaluation shall be forwarded to the Human Resources Office for inclusion in the employee's personnel file.

3.4 Merit Increases

Increases in salary will be based upon meritorious performance with recommendation from the Department Head and approval of the City Manager..

Section 4: Public Safety Dispatchers

4.1 Purpose and Applicability

The purpose of this Section is to define certain conditions of employment that apply only to those non-exempt, hourly employees that are employed as Public Safety Dispatchers.

4.2 Public Safety Dispatcher Pay Scale

A pay scale this is applicable only to Public Safety Dispatchers is included in Appendix F. This scale may be adjusted each fiscal year as described in section 3.2.

The Police Chief reserves the right to start an employee above the bottom step of the pay scale due to previous job experience. Any employee that begins employment above the bottom step will continue to progress through the pay scale at each anniversary date.

4.3 Standard Work Hours

The regular work week shall consist of four (4) consecutive ten (10) hour days to be worked within a seven (7) day pay period measured from 6:00 am. Monday to 5:59 am the Monday next following.

4.4 Compensatory Time

Public Safety Dispatchers shall be eligible to accumulate up to four (4) days of compensatory time in any fiscal year. Compensatory time is defined as paid time off in the future in lieu of an immediate cash payment at the overtime rate for time worked in excess of forty (40) hours in a pay period. The employee must request the award of future compensatory time prior to the closing of the payroll date in which the overtime hours were worked.

Compensatory time shall only be accumulated and used in increments of two (2) hours or more. Paid compensatory time shall be at the rate of time and one half for all overtime hours, e.g. ten hours of overtime translates into fifteen hours of paid compensatory time off. The employee may replenish used compensatory time up to the maximum amount of four days per fiscal year.

Unused compensatory time may not be carried over to another fiscal year without prior approval from the Police Chief or his/her designee. Such unused compensatory time will be paid in the dollar equivalent of unused compensatory time prior to June 30 of a fiscal year.

In order for some A.M. and/or P.M. shift dispatchers to receive an entire shift off utilizing accumulated compensatory time, it becomes necessary for the City to pay overtime to the dispatcher filling the shift. Therefore, to limit the amount of overtime, each employee is allowed to use accumulated compensatory time which generates overtime only twice during the fiscal year.

4.5 Overtime Pay

In the event that an employee elects to work overtime hours in a pay week where the employee has used pre-approved vacation leave, up to two times per fiscal year the employee will not lose the right to the overtime pay. This overtime shift must be worked after the vacation day is utilized (ie. if you take off Wednesday and the overtime shift is on Thursday, you can get the overtime; however, if you took an overtime shift on Tuesday and took off Wednesday, you would not get the overtime.)

4.6 Call-in Pay

Non-exempt, regular, full-time employees who are called in to work after scheduled hours shall receive a minimum of four (4) hours pay at the employee's regular rate, or overtime rate, whichever is applicable. Any employee that is requested/required to work beyond the end of the employee's normal shift will not be eligible for call-in pay; however, the employee may be eligible for overtime pay if the criteria stated in Section 4.5, Overtime Pay are met.

4.7 Uniforms and Protective Clothing – Public Safety Dispatchers

Public Safety Dispatchers shall be provided with four (4) shirts and four (4) sweater/sweatshirts that are to be worn during working hours. A worn, frayed, or damaged shirt shall be replaced upon presentation to the Deputy Police Chief.

4.8 Residency – Public Safety Dispatchers

Upon completion of their probationary period, Public Safety Dispatchers shall establish a residency within thirty (30) air miles of City Hall.

4.9 Vacancies – Public Safety Dispatchers

When a vacant position occurs, the vacancy shall, when filled, be filled within sixty (60) days from the date of such vacancy, the dispatcher within the unit having highest seniority to be given the first opportunity to fill the vacancy, provided, dispatcher is qualified for the vacant position. The next most senior qualified dispatcher shall be offered the opportunity to fill the vacant position and so on until the vacancy is filled. In the event that a dispatcher is selected and retained in the vacant position for a period of sixty (60) working days, then the dispatcher shall be considered qualified and allocated to said position so long as the position continues to exist; otherwise, the dispatcher shall return to dispatcher's former position. All vacancies shall be posted for a period of not less than ten (10) days from the date before the position is assigned. The City may waive the ten (10) day posting period upon request from the Police Chief or his/her designee.

4.10 Overtime Vacancies – Public Safety Dispatchers

When an overtime vacancy occurs on any regular shift, the vacancy will be filled by the on-duty dispatcher calling the first dispatcher on the overtime-rotation list. When that dispatcher cannot be reached at home by two phone calls (no answer, out of service, or busy) or when that dispatcher does not want the overtime duty, the next person on the rotation list is tried, and so on through the entire list.

When the overtime vacancy cannot be filled according to the above, the dispatcher with the least seniority shall be ordered to work the vacancy unless that employee is on a leave status or has worked sixteen continuous hours preceding the overtime vacancy. Once the least senior dispatcher has been forced into work, he/she cannot be forced in again until a seven (7) day period has passed, in which case the second least senior employee will be forced in should the need arise in that seven day period. Calls to fill overtime vacancies shall be made no later than two hour prior to the commencement of the shift, except in an emergency.

Failure to call dispatchers in the overtime rotation order shall not be the basis for a grievance.

4.11 Other

All other sections of the personnel ordinance, unless otherwise stated, are applicable to Public Safety Dispatchers.

Section 5: Employee Benefits

5.1 Holidays

The following holidays are observed by the City and shall be granted with pay to regular, full-

time employees:

1. New Year's Day
2. Martin Luther King's Birthday
3. Presidents' Day
4. Patriot's Day
5. Memorial Day
6. Independence Day
7. Labor Day
8. Columbus Day
9. Veteran's Day
10. Thanksgiving Day
11. Christmas Day

Regular, full-time employees who are required to work on any of the above-designated holidays shall receive his/her regular day's pay plus an additional day's pay. Public Safety Dispatchers that work on the above-described holidays shall receive their regular pay plus time and one-half for working the holiday.

Unless designated as a Monday holiday, when a holiday falls on a Saturday, it shall be observed on the preceding Friday. When it falls on a Sunday, the following Monday shall be observed.

In order for an employee to be eligible for holiday pay, he/she must work the employee's regularly scheduled work day or be on approved leave immediately before and following the holiday. Employees on approved sick leave, scheduled day off, or annual vacation shall qualify for holiday pay. Employees on unpaid leave or otherwise in non-pay status, are not eligible for holiday pay.

Extra holidays may be granted by action of the President of the United States or Governor of the State of Maine and shall qualify employees for a day off with pay.

The City Manager may authorize a day off with pay to non-emergency service employees.

5.2 Vacation

All regular, full-time employees of the City of Waterville shall be granted vacation leave on the basis of time earned or accrued.

5.2.1 Accrual Schedule

0 - 5 years	10 days
After 5 years	12 days
After 6 years	14 days
After 7 years	15 days
After 11 years	16 days
After 12 years	17 days
After 13 years	18 days
After 14 years	20 days
After 15 years	21 days
After 16 years	22 days
After 17 years	23 days
After 18 years	24 days
After 19 years	25 days
After 24 years	27 days
After 29 years	30 days

Employees will begin accruing vacation leave upon date of hire, but may not use accumulated vacation leave until completion of their probationary period.

Increases in the accrual rate will become effective upon the employee's anniversary date of hire.

Employees are strongly encouraged to take vacation leave on an annual basis to maintain high levels of job performance. Employees may accumulate up to a maximum of 150% of their accrual rate. When the maximum accumulation has been reached, the employee shall forfeit any right to additional accrual until the vacation leave is taken. (Only in cases of unforeseen, special circumstances shall the City Manager grant the accrual of vacation time above the maximum of 150%.)

It is the responsibility of each employee to be aware of his/her accumulated vacation leave. No employee will receive payment in lieu of annual leave other than upon separation from City employment (except in cases of unforeseen, special circumstances as may be granted by the City Manager.)

Employees whose position is changed from one department to another in City service shall retain the vacation leave they have accumulated over the year. Employees who separate from City service and are rehired at a later date shall begin accruing at the minimum rate.

Employees shall not accrue vacation leave during a leave of absence without pay, a suspension without pay, or when the employee is otherwise in a non-pay status.

5.2.2 Requesting Vacation Leave

Employees must receive prior approval from their Department Head for requested vacation leave. Such requests may be denied if, in the opinion of the City Manager and/or Department Head, it shall create a hardship upon departmental and/or City operations. The City Manager or Department Head may not deny or postpone requested vacation leave for more than six (6) months because of the impact said vacation may have on operations.

Employees shall submit a written request for vacation leave as far in advance as possible to allow for sufficient planning of department operations and staff coverage.

5.2.3 Vacation Upon Separation

Payment for unused, accrued vacation time, up to the maximum allowed, shall be made in the final paycheck at the time of separation.

5.3 Health Insurance Coverage

All regular, full-time employees are eligible for coverage under the Maine Municipal Employees Health Trust which provides for health and major medical, and prescription drug benefits. When elected by the employee, coverage becomes effective the 1st of the month following date of hire.

Employees are instructed to consult their insurance booklets for specific details regarding their plan. Contact the Human Resources office for specific information regarding open enrollment periods, change in coverage options, or benefit levels.

The City contributes 80% of the premium cost, and the employee contributes 20% of the premium cost for elected coverage under this plan.

5.4 Dental Insurance

Dental insurance is provided for the employee at no cost, however, employees are responsible for 50% of the cost of dependent coverage.

5.5 Life, Accidental Death, Disability Insurance

All regular, full-time employees are provided with group life insurance, accidental death and dismemberment, and weekly disability pay according to the following:

5.5.1 Group Life Insurance

Group life insurance, through the Maine Municipal Association, is provided in the amount of the employee's annual salary up to a maximum of \$100,000.

5.5.2 Life, Accidental Death and Dismemberment, Income Protection

Under a contract with Boston Mutual Insurance Co., the City provides for life insurance and AD&D benefits at two times the employee's annual salary up to a maximum of \$50,000. Income disability is provided at 2/3 the weekly salary level up to a maximum weekly benefit of \$350. There is a forty-four (44) day waiting period and a twenty-six (26) week benefit period.

Employees are eligible for the weekly disability income insurance as outlined above when the inability to work is not work related. An employee receiving the weekly disability benefit has the option of receiving the entire amount of the benefit or their sick leave pay. Employees choosing the latter option must turn over their disability pay to the City. Upon doing so, they will be credited with sick leave in proportion to the monetary value of the disability pay returned to the City. Employees choosing to retain their disability pay will not be paid for sick time.

Contact the Human Resources office for specifics.

5.6 Vision Insurance

All regular, full time employees are eligible for vision insurance provided by Maine Municipal Employees Health Trust. Employees are required to pay 100% of the entire premium for this coverage. Contact the Human Resource Office for specifics.

5.7 Flexible Benefit Plan

Regular, full-time employees are eligible to participate in the City's Flexible Benefit Plan. The Plan allows eligible employees to pay their portion of health premium costs with pre-tax dollars. Employees wishing to enroll must do so at the time of hire, during open enrollment periods, or at times of family status changes. Contact the Human Resources office for specifics or to request an enrollment form.

5.8 Retirement/Deferred Compensation Plan

The City offers regular, full-time employees the benefit of a Section 457 deferred compensation plan. Participation is voluntary and allows qualifying employees the option of deferring a portion of their salary to be invested by the plan administrators. Employees may defer the maximum allowed under the IRS rules and regulations, as may be amended. The maximum amount includes both the employee and employer contributions.

5.8.1 Eligibility Requirements

Regular, full-time employees of the City of Waterville are eligible to enroll in the Deferred Compensation plan upon date of hire, however, the City contribution will not begin until the employee has completed one full year of continuous employment. A participation agreement must be signed to defer actual receipt of portions of salary not yet earned by having the deferred amount contributed to this plan rather than paid as regular earnings. Participation agreements may be made at any time and will take effect the next possible payroll period unless the employee specifies a different beginning date. Employees must elect to defer a minimum of \$25.00 per month to participate in the plan.

5.8.2 Contribution

The City will contribute an amount equal to five (5%) of employee's base compensation when employee contributes three (3%) percent, and seven (7%) percent when employee contributes five (5%). The employee contribution is immediately vested at 100%.

5.8.3 Vesting Schedule

The City contribution will be vested in the Plan according to the following schedule:

Years of Employment	Vesting Percentage
Less than 1	0% (no contribution)
After 1	20%
" 2	40%
" 3	60%
" 4	80%
" 5	100%

5.9 Unemployment Compensation

Under provisions of law, employees whose jobs are lost through no fault of their own, may receive an allowance from the Bureau of Unemployment Security while unemployed and seeking employment. Employees or former employees who have questions regarding eligibility are advised to contact the Maine Employment Security Office.

5.10 Workers' Compensation

Workers' Compensation benefits are governed by State Law. All job-related injuries shall be immediately reported to the employee's immediate supervisor who shall, with the employee's assistance, complete and submit the first report of injury form and follow the steps as outlined in the City's Workers' Compensation Policy. Eligible employees will receive workers' compensation benefits as established by State Law.

If a workers' compensation claim is disputed by the insurance carrier, time lost will be charged to sick leave. Should the employee prevail in any disputed days, such leave charged will be credited according to guidelines established by the Rules and Regulations of the Workers' Compensation Board.

5.11 Employee Wellness

The City encourages the health and fitness of all City employees. To this end, the City supports the work of the Wellness Committee in scheduling programs for employees, and will reimburse employees with active memberships at area health facilities a portion of the annual membership cost. Contact the Human Resources office for specifics.

5.12 Employee Assistance Program

All regular, full-time employees are eligible to participate in the Employee Assistance Program. The program is designed to restore valuable employees to full productivity. The program provides assessment and referral services to employees who are experiencing on-the-job problems because of job related or personal difficulties including substance abuse, family difficulties, emotional, financial or legal worries which result in a decline of job performance. Participation in the program is voluntary and strictly confidential. Contact the Human Resources office or your supervisor for additional information.

5.13 Vehicle Allowance

Employees, who are required by the nature of their positions to have a vehicle available twenty-four (24) hours per day, seven (7) days per week, or employees who are required to use their personal vehicles during the greater part of their working hours, may receive a vehicle allowance. As a general rule, this provision applies to Department Heads and specialized professional staff as determined by the City Manager. The amount of the monthly vehicle allowance will be determined by the City Manager.

5.14 Mileage Reimbursement

Reimbursements to employees who may use their personal vehicle for conducting City business will be at a rate determined by the City Manager. Employees will not be reimbursed for non-business purposes including, but not limited, to the following:

- mileage to and from residence;
- mileage for personal business;
- mileage to and from lunch unless conducting City business or attending approved training session.

Employees are responsible for submitting a record of the mileage to their immediate supervisor for review and approval. Mileage will be reimbursed through the payroll process.

City employees who receive a vehicle allowance are not entitled to mileage reimbursement for travel within the Greater Waterville Area. Travel outside the Greater Waterville Area will be reimbursed at a rate determined by the City Manager.

5.15 Travel Policy

The City shall reimburse employees for travel expenses that are pre-approved, reasonable, and directly job-related. All travel outside the greater Waterville area must be authorized by the City Manager or his/her designee. (Greater Waterville Area encompasses a 25 mile radius.)

Out of town breakfast expenses will not be reimbursed unless the trip commences before 7:00 a.m. Dinner expenses will not be reimbursed unless the trip concludes after 7:00 p.m.

Prepayment of travel expenses will be allowed with appropriate documentation. When the employee returns, the employee will provide actual receipts to prove expenses. Employees will be required to repay any amount not accounted for as a proper expense. If the amount prepaid exceeds the actual paid, the employee will reimburse the City the difference. If the amount prepaid is less than actual paid, the City will pay the employee the difference.

5.16 Income Protection Plan

Regular, full time employees have the opportunity to participate in an Income Protection Plan through the Maine Municipal Association. Each employee has the opportunity to choose to protect 40, 55, or 70 percent of the employee's base salary. This plan is at the employees cost.

Employees are eligible for the weekly disability insurance as outlined above when the inability to work is not work related.

Employees receiving the benefit have two options:

1. Receiving the entire amount of the disability benefit and 100% of their accumulated sick leave (ie. 70% IPP and 100% sick pay): or,
2. Receiving a combination of the entire amount of the disability benefit and a reduced amount of accumulated sick leave pay to bring them up to 100% of their base pay (ie. 70% IPP and 30% sick pay.)

Employees must notify the Human Resource Officer and Department Head in writing at the time disability leave begins which option they wish to utilize. If nothing is received in writing,

option one will be utilized. An employee must have sick and/or vacation time and be receiving a paycheck from the City in order to continue all other benefits as currently available to employees.

5.17 Medical and Dependent Care Reimbursement Accounts

A reimbursement account is a way for you to put money aside tax-free to be reimbursed to you when you have eligible medical and dependent care expenses. You elect an annual amount that will be withheld from your paycheck in equal installments over the course of the plan year.

You may sign up during an open enrollment period for each plan year, which runs from January to December. Termination of the account becomes effective the date of termination from employment from the City.

Please see the Human Resource Officer for handouts explaining the accounts in greater detail and to receive enrollment forms.

Section 6: Leaves

6.1 Sick Leave Eligibility and Accrual

Regular, full-time employees shall accrue sick leave from the date of hire at a rate of 10 hours (1.25 days) per month, and may accumulate unused sick leave to a maximum of 960 hours (120) days. Sick leave will be credited on the last day of the month.

Public Safety Dispatchers shall accrue sick leave from the date of hire at a rate of 10 hours (1 day) per month, and may accumulate unused sick leave to a maximum of 1,200 hours (120) days. Sick leave will be credited on the last day of the month.

No employee will be eligible for paid sick leave unless accrued.

Sick leave credits shall not be earned by an employee during a leave of absence without pay, a suspension without pay, or when the employee is otherwise in a non-pay status.

6.2 Use of Sick Leave

Paid sick leave may be used:

- during times of personal illness or physical incapacity when employee is unable to perform the duties of the position;
- when necessary to care for immediate family members living within employee household (spouse, children, parents, registered domestic partner) who are ill;
- for routine doctor, dentist and other health related appointments that can only be scheduled during work hours (employees are encouraged to schedule such appointments at times during the work day that will cause the least disruption to department operations); and
- in accordance with the Family Medical Leave Act.

The Department Head may request a medical examination or doctor's certificate for use of sick leave for three (3) or more consecutive days, or because of repeated absences on days preceding or days following a holiday or weekend.

A physician's statement certifying a return to work for employees who have been out due to surgery or serious illness may be required. Falsification or abuse of sick leave benefits may result in disciplinary action, up to and including dismissal. If the City does not agree with the physician's statement, the City may send the employee to a Physician designated by the City.

6.3 Sick Leave Requests

The employee is responsible for notifying the immediate supervisor or Department Head of the need to use sick leave. Sick leave will be granted only if the employee notifies the appropriate authority prior to the start of their scheduled work day, or as soon as practical thereafter.

Sick leave granted shall be recorded on the weekly payroll records of the department and accurately recorded with the finance office. The immediate supervisor or Department Head is responsible for ensuring that all sick time is accurately reflected on the weekly time records. The Human Resources Officer shall review and monitor such leave records and investigate cases that raise questions of eligibility or abuse.

6.4 Entitlement Upon Separation

All sick leave accruals shall be forfeited upon separation from City Service.

6.4.1 Employees Hired Prior to January 1, 1986

Employees hired prior to January 1, 1986, may either receive monetary value or early retirement for the full amount of his/her accumulated sick leave, up to the maximum of 120 days. Dismissals and resignations do not qualify for this provision. See Section 11.2.6

6.5 Sick Leave Bank

In cases of serious illness, an employee may not have sufficient accrued sick time to cover the recovery period. In such cases, the Human Resources Officer may, with the approval of the City Manager, establish a special sick leave bank for the employee which would allow City employees to donate accrued vacation time to the bank for use by the ill employee. As a general rule, the leave bank may not exceed twenty (20) working days. Computation of the days donated will be made on a day for a day basis unless another arrangement has been approved by the City Manager.

6.6 Childbirth/Pregnancy

Childbirth and pregnancy is treated as a temporary disability just as any other non-job related temporary illness or disability. Employees may use accrued sick leave. (See 6.3 Family Medical Leave)

6.7 Family Medical Leave

City employees are covered under the Family Medical Leave Act of 1993, as amended in 1995, which allows unpaid leave in the case of serious illness of the employee, the employee's child, spouse or parent, or the birth or adoption of a child. Employees are eligible if they have worked for at least one year and for a minimum of 1250 hours over the previous twelve (12) months. Upon request, up to twelve (12) weeks of leave shall be granted for qualifying reasons during the 12-month benefit year. The City uses the 12-month "rolling" backward method for calculating the benefit year.

See *Family and Medical Leave Act* in Appendix C. Contact the Human Resources Office for additional information or forms.

6.8 Bereavement Leave

In the event of death occurring in the immediate family of an employee, the employee shall, upon request, be granted three (3) days of paid leave. Immediate family is limited to: spouse, children, parents, siblings, grandparents, and grandchildren, whether by natural heritage or law (in-law). In the event of the death of the employee's spouse, child or parent, the employee shall, upon request, be granted two (2) additional days of paid leave. The need for additional time shall be with the approval of the City Manager and the use of accrued vacation leave.

City employees shall, upon request, be granted up to one day of paid leave to attend the funeral of an aunt, uncle, niece or nephew.

Attendance at the funeral of friends or other family relatives shall be with the approval of the Department Head and the use of accrued vacation leave.

6.9 Military/Exigency leave

6.9.1 Military Leave

Leave without pay will be granted to employees for purposes of fulfilling military reserve obligations. All requests for military leave must be accompanied by signed orders from the employee's military commander.

All requests for military leave must be within one (1) week after the employee receives his/ her orders to report to duty and must be approved by the City Manager.

6.9.2 Exigency Leave

The City will grant an eligible employee up to a total of 12 workweeks of unpaid leave during the normal 12-month period established by the employer for FMLA leave for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty, or has been notified of an impending call or order of active duty, in support of a contingency operation. This is available for a family member of a military member in the National Guard or Reserves; it does not extend to family members of military members in the Regular Armed Forces.

6.9.3 Military Family Leave Entitlements

Eligible City employee who is a spouse, son, daughter, parent, or next of kin of a covered service member with a serious injury or illness will be granted up to twenty-six (26) workweeks of unpaid leave during a "single 12-month period" to care for the service member.

6.10 Jury Leave

An employee who is required to participate in jury duty will receive his/her regular pay. Jury pay received shall be remitted to the City. Employees shall notify their immediate supervisor or Department Head as soon as it becomes known that they may be required to serve.

6.11 Leave Without Pay

Leave without pay shall be granted by the City Manager only when it is in the best interest of the City to do so. Request for a leave without pay must be approved prior to taking of such leave.

Unpaid leave for other than health related reasons shall only be granted upon the exhaustion of all accrued vacation leave and may not exceed six (6) months.

Unpaid leave for health related reasons shall only be granted upon the exhaustion of accrued sick, vacation, and compensatory leave and may not exceed six (6) months. When such leave is requested as an extension of sick leave, an acceptable physician's certificate shall be required.

A return to work earlier than the scheduled termination of leave date may be arranged by the Supervisor and the employee with the approval of the City Manager. Employees returning to work from an unpaid sick leave shall provide a physician's statement certifying fitness to return.

Employees on an unpaid leave of absence from the City may not be employed elsewhere.

If an employee is unable to return to work on the date stipulated, he/she may submit a written request to extend his/her leave of absence, not to exceed the six (6) month maximum, subject to the approval of the City Manager. If, on the _____ date following the expiration of the leave of

absence an extension is not requested and granted, and the employee has not returned to his/her position, the employee shall be considered to have resigned from City employment.

All employer paid benefits cease during an unpaid leave. Employees do not accrue vacation or sick leave and are responsible for the full cost of benefits during the period of unpaid leave.

6.11.1 Short-Term Unpaid Leave

A leave of absence without pay for periods of less than three (3) days may be approved by the appropriate department head. During periods of such leave, employee shall continue to accrue all benefits.

6.12 Paternity Leave

The City of Waterville agrees to grant up to two (2) weeks of paid sick leave, from the birth of the child, for paternity leave after a request is presented in writing to the Human Resource Office, provided the employee has sufficient accumulated sick leave.

Any additional time requested must be reviewed to determine if it qualifies for sick time, or if vacation and/or comp time, if available, will be utilized. In order for additional sick time to be granted, a certificate of illness needs to be presented to the Human Resource Office from the employee's spouse's physician stating that she needs the employee's assistance due to a short term disability related to the birth of the child.

All time used for paternity leave will be subject to the Family and Medical Leave Act. An employee must have been an active, full-time employee for more than twelve (12) months and worked at least 1,250 hours within the last twelve months for the City of Waterville to qualify for paid paternity leave. Any employee may request the use of unpaid leave if he has been employed for less than twelve (12) months, or does not have any accumulated time in his leave bank.

Section 7: Conditions of Employment

7.1 General Policy

The City maintains the right to establish the hours of work required for conducting the business operations of all City Departments. All officers and employees of the City shall serve the hours required for their respective departments.

7.2 Standard Work Hours

Employees will work a standard forty (40) hour work week unless hired on a different schedule.

City offices will be open to the public Monday through Friday, 7:30 a.m. to 5:00 p.m.

Employees shall work an eight hour block of time and have the choice of a one (1) hour or one-half (½) hour lunch period. Within departments, lunches will be scheduled to ensure adequate staffing to provide services to Waterville citizens throughout the work day when possible.

7.3 Fair Labor Standards Act Exemptions

The Fair Labor Standards Act requires employees be paid minimum wage and overtime, unless they are exempt. Exempt employees are classified as executive/management, administrative, professional, outside sales, and computer specialists.

Exempt employees are expected to work the number of hours necessary to meet the requirements of the position and are not entitled to overtime wages as established by the Fair Labor Standards Act. The following positions will be considered exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act:

1. City Manager

2. All Department Heads
3. All employees meeting the requirements of the Fair Labor Standards Act.

7.4 Overtime Pay

In accordance with applicable laws, hours worked over the normal work week of forty (40) hours by non-exempt employees shall be paid at the rate of time and one-half the regular hourly wage. The overtime rate (time and one-half) will be paid for those hours that are actually worked in a pay period and will not include sick or vacation time. Holiday pay shall be calculated as hours worked for purposes of overtime pay.

All overtime must be requested by the Department Head. Under no circumstances will overtime wages be paid unless the employee has been requested, and given prior approval, to work the overtime hours.

7.7 Absenteeism

Employees who have not reported to work for a period of three (3) days or more, and who are not on an approved leave, shall be considered to have voluntarily resigned from their position and will be terminated from said position. Exceptions to this policy may be made by the City Manager, based upon the results of an investigation.

7.8 Outside Employment

Regular, full-time employment with the City is considered the individual's primary employment. Employees may not engage in other employment that interferes with or otherwise creates a conflict of interest with the performance of assigned duties. Whenever it appears that any such outside employment may constitute a conflict of interest, the employee is expected to consult with his or her Department Head who may consult with the City Manager or City Solicitor.

7.9 Inclement Weather

During periods of inclement weather, when conditions begin to reach the stage where travel may become hazardous, the City Manager may deem it appropriate to keep non-essential, administrative employees home for their own safety or release employees from work early. During such closings, Department Heads and Professional Staff shall be considered essential for purposes of maintaining City operations. The City manager may deem it appropriate to close early due to inclement weather. Office closings shall be announced on area radio stations.

Section 8: Employee Training and Development

8.1 Policy

It is the policy of the City to encourage and assist in the professional development of all employees when such assistance is in the best interest of the City. The purpose of this policy shall be to foster or promote the training and development of employees, improve the quality of service to the City, equip employees for career development within the City, and provide a reservoir of occupational skills necessary to meet current and future employment needs. Regular, full-time employees are eligible for the training and tuition reimbursements benefits as described below. Employees on probationary status are not eligible for course reimbursement until their probationary period has ended.

8.2 City-Initiated Training

Seminars, certificate courses and in-house training workshops will be considered as City-initiated training to provide all employees with training sufficient to keep them current with practices in their respective disciplines. City-initiated training expenses will be paid for out of the employee's

department training budget. Employees shall not be paid or receive compensatory time when attending courses, conferences, or seminars during after-duty hours.

8.3 Conferences and Workshops

Requests to attend conferences, workshops, and seminars shall be made as part of the budgetary process. City payment for attendance at these conferences, workshops and seminars will be based on: the direct value to the employee and City, budgetary constraints, and applicability to current municipal affairs. Employees shall not be paid or receive compensatory time when attending courses, conferences, or seminars during after-duty hours.

8.4 Employee-Initiated Training

Employees may elect courses or programs to further their education or professional development. Credit hour courses in a degree program will be considered Employee-Initiated and will be paid out of the Personnel training budget. The number of employees allowed to participate per semester will depend on the funds available.

Course/tuition reimbursement requires pre-approval with preference given to employees taking courses that relate directly to their current positions and remaining funds to employees taking courses to improve skills for career advancement purposes.

In order for more employees to be eligible for tuition reimbursement, the City will reimburse an employee up to the amount listed below per class:

- Undergraduate class - \$600
- Graduate class - \$1,000

Employees will be reimbursed for pre-approved courses upon successful completion of the course(s) according to the following schedule:

- A - 100% of the tuition rate
- B - 75% of the tuition rate
- C - 50% of the tuition rate
- D, E, F, Incomplete - 0% of the tuition rate

Textbooks and all other expenses are the responsibility of the employee.

Employees receiving tuition/course reimbursement agree to reimburse the City for tuition costs if the employee does not remain in the employ of the City for a period of one year following the last completed course or block of training.

Requests for course/tuition reimbursement shall be submitted on the "Pre-Approved Tuition Request and Tuition Reimbursement Request" form prior to enrolling to ensure adequate funding is available. The form outlines the procedure for making requests and receiving reimbursement(s).

8.5 Hours Worked

An employee that is attending pre-approved training during a normally scheduled work day will be paid the employee's regular work hours for the day. If overnight stay is required, no overtime will be paid for those hours while attending the training session.

Section 9: Discipline

9.1 Discipline Policy

This policy follows the principles of progressive discipline. The progressive discipline steps are as follows:

1. Oral Warning (put in writing for file purpose)
2. Written Warning
3. Suspension
4. Demotion and/or Dismissal

In less serious cases, employee discipline will begin with oral discussion. In more serious cases, the discipline process may begin at written reprimand, suspension, demotion or dismissal.

Nothing in these rules shall limit the City's right to suspend or discharge a probationary employee with or without cause.

All non-probationary employees may grieve disciplinary actions through the grievance procedure. These rules do not limit the right of the City to discharge employees for non-disciplinary reasons, including, but not limited to: lack of work, elimination of positions, reduction in force, or budget constraints.

All disciplinary actions shall be documented in writing and reviewed with the employee. Copies shall be forwarded to the Human Resources Officer for placement in the employee's Personnel File.

9.2 Causes for Disciplinary Action

Causes for disciplinary action may include the following:

- insubordination;
- serious breach of conduct;
- sexual, verbal or mental harassment;
- incompetence or inefficient performance of assigned duties;
- negligent or willful damage of city property;
- habitual and excessive tardiness or absenteeism;
- drinking on the job or arriving to work while under the influence of intoxicating beverages or drugs, or in possession of same while on the job;
- falsifying of time records or failure to report absences from duty;
- falsifying information, or omission of material information on application for employment;
- misappropriation of city funds, using city property for personal use, improperly disposing of city property;
- suspension or revocation of drivers' license when required for the performance of the employee's responsibilities;
- failure to maintain a current license, certification, or professional credential as required or necessary for the performance of the employee's responsibility, or as required under the employee's contract or position description;
- violations of safety rules and practices;
- engaging in or threatening physical violence against any fellow employee, superior or public citizen while on duty or at the work site.
- Standard of conduct violation as provided for in Section 9.4.1.

This list is not intended to be all inclusive, and disciplinary action may be based on other justifiable causes.

9.3 Political Activities

No employee shall participate in any political activity which would be in conflict or incompatible with the performance of his/her official duties with the City.

Under the provisions of the Hatch Act, which applies to entities receiving federal funds, City employees are not prevented from enrolling in political or party organizations, expressing

political views, campaigning for or against issues, signing nominating papers, or voting in all elections, caucuses and primaries with complete freedom.

Under provisions of the Hatch Act, employees are prohibited from using their authority or influence to interfere with an election, may not solicit or discourage political activity of any person who has business before the City, and may not engage in political activity while on duty.

Employees wishing additional information are advised to contact the Human Resources Officer or the City Solicitor.

9.4 Standard of Conduct

9.4.1 Standard of Conduct

No official or employee of the city shall solicit or receive any pay, commission, money or thing of value, or derive any benefit, profit or advantage, directly or indirectly, from or by reason of any improvement, alteration or repair required by authority of the City, or any contract to which the City shall be a party, except compensation or salary as established for such official or employee. A violation of any of the provisions of this section, or any established common law doctrines or statutory provisions under the State of Maine shall disqualify the offender to continue in the office or employment of the City, and the official or employee shall be removed therefrom. Any contract in which an official or employee of the City is directly or indirectly interested shall become absolutely void, and any money which shall have been paid on such contract by the City may be recovered back from any or all the persons interested therein, by joint or several action. Gifts do not include advertising items or items of nominal value such as calendars, pens, pencils, fruit baskets, etc.

9.4.2 Use of Public Property.

No official or employee shall request or permit the use of city-owned vehicles, equipment, materials or property for personal convenience or profit, except when such vehicles, equipment, materials or property are available to the public generally or are provided as a municipal policy for the use of such official or employee in the conduct of official business.

Section 10: Grievance Procedure

10.1 General

The City's grievance procedure is intended to provide an opportunity for employees to bring concerns, complaints and other grievance situations to the attention of management.

While the City desires that grievances be addressed informally, it is recognized that there will be matters that may be resolved only after appeal and subsequent review. The City will deal promptly with employee complaints or grievances concerning interpretation or application of this Personnel Ordinance.

10.2 Informal Resolution

Employees should attempt to resolve disputes through discussion with his/her immediate supervisor or Department head. If the grievance is not resolved informally, the employee should use the procedure as outlined in 10.3. The Human Resource Officer is available to assist in resolving disputes at the request of any of the individuals involved. If the matter is not resolved during the informal process, the employee may appeal utilizing Section 10.3 of the Grievance Procedure.

10.3 Grievance Procedure

Grievance must be filed, in writing, within 23 five (5) working days of the event being grieved.

To ensure a prompt and fair review, the following steps are provided:

- 10.3.1** If the employee is not satisfied with informal discussions with his/her supervisor or Department Head, in accordance with Section 10.2, the employee shall submit the grievance in writing to the Department Head with a copy to the Human Resource Officer. The Department Head will schedule a meeting with the employee within five (5) working days after receipt of the written grievance. The Department Head shall attempt to resolve the matter and shall respond, in writing, within five (5) working days, providing a copy of the written response to the Human Resources Officer.
- 10.3.2** If the matter is not resolved by the Department Head, the employee may appeal the grievance in writing, within five (5) working days, to the City Manager, or his/her designee. The City Manager (or designee) shall meet with the employee within five (5) working days and shall provide a written decision within (5) working days of the meeting. The time lines may be extended upon the written request and mutual agreement of the parties.

Section 11: Resignation and Separation

11.1 Separation Policy

Prior to separation from City service, employees may schedule a meeting with a representative in the Human Resources office to discuss various options relative to benefits or other conversion privileges available to the employee. At this time, appropriate steps will be taken to provide for the payment of all leave entitlements in the final paycheck. Separating employees shall turn in all City-owned property in their possession and shall leave a forwarding address with the Department Head or in Human Resources Office for purposes of forwarding final check, IRS forms, etc.

11.2 Types of Separation

11.2.1 Resignation

Resignations from city service shall be submitted, in writing, to the Department Head at least fourteen (14) days in advance. The resignation shall be forwarded to the Human Resources Officer with a copy to the City Manager. The effective date of the resignation will be at the close of business on the date specified in the resignation that coincides with the last day worked. The last day worked shall be the official termination date for calculating all payroll and vacation benefits.

11.2.2 Layoff

Layoff shall mean involuntary separation of an employee because of lack of work, lack of funds, or abolishment of the position without any fault on the part of the employee. Employees with the shortest length of continuous service within the same classification in the affected department will be laid off first provided merit and ability to perform the job are equal within the classification.

11.2.3 Dismissal

An employee may be removed at any time during the probationary period or for cause as outlined in Section 9.

11.2.4 Suspension

An employee may be suspended from his/her position for cause. A suspended employee is still an incumbent in the position. The interruption from duty is a temporary,

disciplinary measure and may be with or without pay. An employee who is suspended without pay for more than 3 weeks shall be responsible for the full monthly cost of their insurance benefits.

11.2.5 Disability

Employees may be separated from work due to a disability whereby he or she is unable to perform duties of the job. The City will consider all provisions of the Americans with Disabilities Act.

11.2.6 Retirement

Employees hired prior to January 1, 1986, with 25 years of continuous service may choose to retire from City service upon reaching the age of 65, or at age 60 and 30 years of service. Said employees will receive the monetary value (or early retirement) for the full amount (or time) of his/her accumulated sick leave, up to the maximum of 120 days. Employees will have the monetary value of their sick leave benefit reduced by four percent (4%) for each year under age 65. (See Section 6.4.1.)

11.2.7 Death

Upon death, all compensation due to the employee under the provisions of these policies shall be paid to the employee's estate and/or beneficiaries pursuant to IRS rules.

In the event of the death of an employee hired prior to January 1, 1986, the employee's estate shall receive a portion of sick leave benefits according to Section 11.2.6.

Section 12: Miscellaneous Provisions

12.1 Personnel Files

Employees, upon request, may be permitted to review his/her personnel files. Such review shall be arranged with the Human Resources officer and conducted during normal office hours. Upon written request, an employee shall be provided a copy of any or all materials in his/her personnel files provided that such copies shall be provided at the employee's expense if the copies number more than ten (10).

12.2 Service Awards

The City of Waterville shall recognize employees who have completed years of continuous service with a service award. The awards will be presented in five-year increments at 5, 10, 15, 20, 25 etc. during the annual Employee Recognition Dinner.

Appendices A-F to follow.

APPROVED

Waterville City Council
Approved: August 8, 2012
Effective: August 23, 2012
(Ordinance 149-2012)

APPENDIX A

Affirmative Action/Equal Opportunity Policy Statement

It is the policy of the City of Waterville to develop and promote equal opportunity in contracts, cooperative agreements, grants, personnel practices, and programs and services provided. No person shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any such programs because of race, color, religion, sex, sexual orientation, marital status, national origin, ancestry, age, status as a veteran of the Vietnam Era or disabled veteran, physical/mental handicap, political affiliation or belief, genetic information, whistleblower activity, or previous assertion of a claim or right under the Maine Workers' Compensation Act, unless such discrimination is based on a bona fide occupational qualification. Occupational qualifications shall be bona fide job requirements. Affirmative action will be taken to make sure employees and applicants for employment and applicants for service are treated without regard to these characteristics. In carrying out this policy the City will ensure that:

- Persons are recruited, hired, trained and promoted without regard to race, color, religion, sex, sexual orientation, marital status, national origin, ancestry, age, status as a veteran of the Vietnam Era or disabled veteran, physical/mental handicap, political affiliation or belief, genetic information, whistleblower activity, or previous assertion of a claim or right under the Maine Workers' Compensation Act. Employment decisions are made in accordance with principles of equal employment opportunity by using only strictly job-related requirements.
- Personnel actions such as compensation, benefits, transfers, layoffs, return from layoffs, and training programs are administered without regard to race, color, religion, sex, sexual orientation, marital status, national origin, ancestry, age, status as a veteran of the Vietnam Era or disabled veteran, physical/mental handicap, political affiliation or belief, whistleblower activity, or previous assertion of a claim or right under the Maine Workers' Compensation Act.
- Services provided by all departments of the City of Waterville will be provided without regard to race, color, religion, sex, marital status, national origin, ancestry, age, status as a veteran of the Vietnam Era or disabled veteran, physical/mental handicap, political affiliation or belief.

Reasonable accommodations will be made for any qualified individual, applicant or employee, in accordance with the provisions of the Maine Human Rights Act and the Americans with Disabilities Act.

This policy shall not be construed to prohibit any employment activity or policy which is required by federal law, rule or executive order.

If you believe your rights have been violated under the provisions of this policy, please contact the Human Resources Officer. You may also contact the U.S. Equal Employment Opportunity Commission (EEOC) 1801 L Street, N.W. Washington, D.C. 20507 or an EEOC field office by calling toll free (800) 669-4000.

APPENDIX B

Employee Harassment Policy Statement

Employees of the City of Waterville have the right to work in an environment free of discriminatory intimidation, whether it is based on race, color, sex, sexual orientation, national origin, age, religion, physical or mental handicap. Engaging in harassment destroys this environment. It undermines moral, interferes with productivity and adversely affects the careers of City employees. When harassment affects employment decisions and/or creates an offensive working environment, it is a violation of Title VII of the Civil Rights Act of 1964 and the Maine Human Rights Act. Specifically, unwelcome sexual advances, gestures, or contact; threats; offensive jokes; subjecting employees to ridicule, slurs, or derogatory actions; basing employment decisions or practices on submission to harassment; refusal to cooperate with employees in performing work assignments; and inequitable disciplinary actions and work assignments are illegal forms of harassment when based on race, color, sex, national origin, age, religion, or handicap.

Managers and supervisors must take prompt action to eliminate harassment, because it undermines morale and interferes with performance, as well as demeans its victims. Corrective action is required regardless of whether or not the victim makes a formal complaint. Harassment by supervisors and/or employees of the City will not be tolerated. It is unacceptable conduct and will be considered good cause for disciplinary action up to and including dismissal.

Employees who believe that they are victims of harassment should promptly report such occurrences to their supervisors so that they may be dealt with immediately. Employees may utilize relevant complaint or grievance procedures, and may contact the Human Resources Officer at any time. Complaints will be processed confidentially and require thorough investigation of all facts and circumstances. Complaints will be decided on a case-by-case basis.

Employees also have the right to file a complaint (in writing) with the Maine Human Rights Commission within six (6) months of the unlawful act or unlawful discrimination. To file a charge or obtain more information on the procedure, you may contact the Commission by mail at: 51 State House Station, Augusta, ME 04333-0051, or by telephone at: (207) 624-6050.

APPENDIX C

Family and Medical Leave Act Policy Statement

The employees of the City of Waterville are covered under the Family and Medical Leave Act of 1993. The Family and Medical Leave Act (FLMA) requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. City employees are eligible for this unpaid leave when they have been employed at least one year, and have worked at least 1,250 hours over the previous 12 months.

Leave will be granted for any of the following reasons:

- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee's job.

To determine and/or verify qualifying reasons, the City may require eligible employees to provide medical statements certifying the reason for the leave.

Employees shall use paid accrued sick leave when family and medical leave is for the serious health condition of the family member or employee. Prior to receiving unpaid Family Medical Leave for health related conditions, all accumulated sick, vacation, compensatory or convenience leave time must be exhausted. Sick leave cannot be used for non-health related conditions of the employee or family member. The twelve (12) week maximum includes both paid and unpaid leave during the benefit period.

For non-health related matters, the employee shall use accrued vacation, compensatory or convenience leave time for family and medical leave purposes. Prior to receiving unpaid Family Medical Leave for non-health related conditions, all accumulated vacation, compensatory or convenience leave time must be exhausted. Non-health related leave applies to the care of the employee's child after birth, or placement for adoption or foster care.

The portion of the employee's health and dental insurances that is paid by the City will continue to be paid during the paid or unpaid family medical leave. When on unpaid leave, the employee is responsible for making arrangements to pay his/her portion of the premium cost.

The method the City uses to calculate the 12-month benefit period is the "rolling" 12-month period measured backward from the date an employee first uses any family medical leave.

Questions regarding your rights under the Family and Medical Leave Act should be addressed to the Human Resources Officer.

Employees who have a dispute or grievance under the Family and Medical Leave Act Policy may contact the U.S. Department of Labor, Wage and Hour Division, Portland, ME (207) 780-3344.

Military Caregiver Leave: A covered employer must grant an eligible employee who is a spouse, son, daughter, parent, or next of kin of a covered servicemember with a serious injury or illness up to a total of 26 workweeks of unpaid leave during a "single 12-month period" to care for the servicemember. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. A serious injury or illness is one that was incurred by a servicemember in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating. The "single 12-month period" for leave to care for a covered servicemember with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 12 months later, regardless of the 12 month period established by the employer for other types of FMLA leave.

APPENDIX D

Smoke-Free Workplace Policy Statement

There will be no smoking in any of the City's buildings. City employees are not permitted to smoke within twenty (20) feet of public building entrances.

Smoking to be defined according to Chapter 332 Public Law, as follows: "Smoking' includes carrying or having in one's possession a lighted cigarette, cigar, pipe or other object giving off smoke or containing any substance giving off smoke."

City employees are prohibited from smoking in any City owned vehicle or equipment if any member of the public or another employee is present. If all individuals agree, employees may smoke within City owned vehicles or equipment.

APPENDIX E

Domestic Violence Workplace Policy

I. STATEMENT OF PURPOSE

The City of Waterville (hereinafter “the City”) is committed to promoting the health and safety of its employees. This commitment includes the prevention and reduction of the incidence and effects of domestic violence.

While the City recognizes that both men and women are victims of domestic violence, the overwhelming majority of victims of domestic violence are women. In fact, domestic violence is the leading cause of injury to women in the United States.

The City recognizes that domestic violence is a workplace issue. Domestic violence does not stay at home when victims go to work. Victims may be especially vulnerable while they are at work. Domestic violence can compromise the safety of employees and directly interfere with the mission of the City by decreasing morale and productivity, as well as by increasing absenteeism and health costs.

For these reasons, the City has established this workplace domestic violence policy. The specific purposes of the policy are to:

- Create a supportive workplace environment in which employees feel comfortable discussing domestic violence issues and seeking assistance for domestic violence situations;
- Develop responsive policies and procedures to assist employees who are affected by domestic violence;
- Provide immediate assistance to victims;
- Provide assistance and/or disciplinary action to employees who are perpetrators of abuse; and
- Offer training on recognizing and responding to domestic violence.

This policy recognizes that, in accordance with State law, Title 26 M.R.S.A. § 850, an employer must grant reasonable and necessary leave from work, with or without pay, to an employee who is a victim to prepare for and attend court proceedings; receive medical treatment; attend to the medical treatment of a child, parent or spouse who is a victim; or obtain necessary services to remedy a crisis caused by domestic violence, sexual assault or stalking. The necessity of the leave must be based upon the employee or the employee's daughter, son, parent or spouse being a victim of violence, assault, sexual assault, stalking or any act that would support an order for protection from abuse.

The City will not tolerate any act of domestic violence in the workplace, and will take action to prevent and correct the misuse of the City's resources in connection with any act of domestic violence. Misuse of the City's resources in connection with any act of domestic violence will result in discipline up to and including discharge.

II. DEFINITIONS

A. Domestic Violence: A pattern of coercive behavior that is used by a person against family or household members to gain power or control over the other party in the relationship. This behavior may include any of the following: physical violence, sexual abuse, emotional and psychological intimidation, verbal abuse and threats, stalking, isolation from friends and family, economic control, and destruction of personal property. Domestic violence occurs between people of all racial, economic, educational, and religious backgrounds. It occurs in heterosexual and same-sex relationships, between married and unmarried partners, between current and former partners, and between other family and household members.

B. Batterer, Perpetrator, or Abuser: An individual who commits an act of domestic violence.

C. Survivor or Victim: An individual subjected to an act of domestic violence.

D. Domestic Violence Response 30Team/Responder: The City Manager and/or

Human Resource Officer.

III. STATEMENT OF CONFIDENTIALITY

The City recognizes and respects a victim's need for confidentiality and autonomy. To the extent permitted by law and unless the substance of the employee's disclosure demands otherwise, the City will maintain the confidentiality of the victim's disclosure. Responders will share disclosures with the Human Resource Officer and/or City Manager. However, unless necessary, the information will not be shared with other employees in the City. Whenever possible, the employee will be given notice of necessary further disclosures. Further disclosure may be necessary if, in the opinion of the person to whom the initial disclosure is made, an abuser presents a threat to the safety of any person, the victim has expressed homicidal or suicidal intentions, or there is reasonable cause to suspect abuse, neglect or exploitation of children or incapacitated or dependent adults.

IV. EDUCATION AND OUTREACH

A. This policy will be distributed to all current employees. New employees will receive the policy upon commencing employment. All employees are expected to become familiar with this policy and to attend domestic violence training as provided by the City.

B. The Human Resource Officer, in consultation with the City Manager, will attempt to maintain, publish, and post a list of resources for survivors of domestic violence in locations of high visibility.

V. RESPONSE AND ASSISTANCE

A. Disclosure; Requests for Information, Referral, and Assistance

The City seeks to offer support and referrals for assistance to those employees who disclose concerns or request help. The City will designate trained person(s) to whom disclosures may be made. Designated persons are the Human Resource Officer, City Manager and Department Heads. All employees wishing to discuss domestic violence issues are encouraged to speak with whomever they are most comfortable.

B. Response to Victims

1. The City recognizes all persons' rights to privacy, autonomy, and safety, and the corresponding need to control the process following any disclosure. To the extent that disclosures do not implicate issues of workplace safety and performance, and to the extent permitted by law and this policy, the City's response will be guided by the expressed wishes of the victim, and may include the following:

- a. Referrals to appropriate agencies and services, including EAP, domestic violence and sexual assault hotlines, local shelters and advocates, legal services, law enforcement, medical and counseling services;
- b. Assessment of the victim's need to be absent from work;
- c. Information regarding employment benefits, including processes for changing insurance benefits, requesting paid and unpaid leave, and changing pay arrangements (such as direct deposit of paychecks); and
- d. Information regarding the availability of unemployment benefits in certain circumstances.

2. Any person who is concerned about his or her safety at work should speak to the Human Resource Officer, City Manager and/or Department Head. The City will immediately contact local the police department in the event of imminent danger.

3. If domestic violence is occurring in the workplace, is affecting the performance of the victim or the victim's co-workers, or if the victim otherwise requests, the City will assist the victim by:

a. Referring individuals to appropriate agencies and services, including EAP, domestic violence and sexual assault hotlines, local shelters and advocates, legal services, law enforcement, medical and counseling services;

b. Developing an individualized workplace safety plan in conjunction with appropriate agencies and services. The City and the victim may consider, for example, screening telephone calls, changing the affected employee's phone extension or physical location, arranging for escort to and from parking areas, changing work schedules, and providing information concerning the perpetrator to law enforcement, and/or the receptionist.

4. If any person is at immediate risk in the workplace, the City will follow protocols for notifying law enforcement and follow applicable emergency or safety procedures.

5. Victims are encouraged to disclose the existence of Temporary and Permanent Orders for Protection from Abuse or Harassment to a responder, especially where the order includes a provision that the perpetrator is not to have contact with the victim at the victim's place of employment. The responder will follow the provisions of this policy with respect to response and assistance to the victim, and address the issue of safety plans with the victim as appropriate.

C. Response to Employees Concerned about Domestic Violence

1. If an employee has a concern that a co-worker is a victim of domestic violence, the employee is encouraged to contact the Human Resource Officer, City Manager and/or Department Head. The responder will work with the concerned employee to decide how best to approach the victim. In addition, the responder may discuss the matter with the Department Head if there is an immediate safety risk to anyone in the workplace, or if the perceived problem has an affect on the workplace, including but not limited to safety, job performance, and morale. The responder will maintain the confidentiality of the disclosing employee to the extent permitted by law and this policy.

1. If an employee experiences or witnesses violence or threats of violence in the workplace, the employee should report the incident to a supervisor or police department personnel immediately.

VI. DOCUMENTATION

The Human Resource Officer will maintain copies of orders for protection from abuse and other documents that demonstrate workplace domestic violence in a confidential file. The City will develop necessary protocols related to maintaining records of domestic violence disclosures.

WORK PERFORMANCE

The City recognizes that victims of domestic violence may have performance or conduct problems, such as chronic absenteeism or an inability to concentrate, because of the abuse.

When an employee confides that job performance or a conduct problem is caused by domestic violence, referrals and assistance should be offered in accordance with this policy.

The Human Resource Officer or supervisor, in collaboration with the employee and any other appropriate agencies, which may include the EAP, the Bureau of Human Resources, or the collective bargaining agreement, should allow a reasonable amount of time away from work for the employee to obtain assistance regarding domestic violence. This time may be drawn from sick or vacation leave, unpaid leave, or a leave bank, as determined appropriate and available. Any such leave will be consistent, at a minimum, with 26 M.R.S.A. § 850.

Nothing in this policy alters the authority of the City to establish performance expectations, counsel employees, impose discipline, reassign duties, place an employee on leave, or take other action as it deems appropriate.

VII. PERPETRATORS

If an employee discloses that he or she is or has been a perpetrator of domestic violence, the responder should refer the employee to EAP and a local state-certified Batterers' Intervention Project. In every situation where an employee makes this disclosure, the Human Resource Officer or other appropriate individual will immediately be included in the discussion related to the disclosure.

Any incident of domestic violence committed by an employee while on City premises, during working hours, or at an City-sponsored event will not be tolerated. Employees found to have violated this policy will be subject to corrective or disciplinary action, up to and including discharge.

VIII. CONCLUSION

The City is committed to providing a supportive workplace environment free of domestic violence. The City will work to respond and provide immediate assistance to a victim who seeks it. Victims will be treated with compassion and will not be judged.

Employees with questions about this policy or ideas to improve this policy should contact the Human Resource Officer.

Effective Date November 2011

APPENDIX F

Public Safety Dispatcher Pay Scale

YEAR	STARTING WAGE	1.5% MERIT	2.0% MERIT
Start of Year One	\$13.68	\$13.89	\$13.95
Start of Year Three	\$15.98	\$16.22	\$16.30
Start of Year Five	\$16.91	\$17.16	\$17.25
Start of Year Eight	\$17.85	\$18.12	\$18.21

Scale Updated 7/1/12